

REFERENCE TITLE: **nuisance abatement; entry on premises**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

# **HB 2190**

Introduced by  
Representative Barnes

AN ACT

AMENDING SECTION 49-144, ARIZONA REVISED STATUTES; RELATING TO ENVIRONMENTAL NUISANCES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 49-144, Arizona Revised Statutes, is amended to  
3 read:

4 **49-144. Right to enter premises for inspection or abatement**

5 If a county board of health or a local health or environmental  
6 department deems it necessary to enter any building, structure or other  
7 property within its jurisdiction for the purpose of examining, destroying,  
8 removing or preventing an environmental, PUBLIC HEALTH OR SAFETY nuisance, OR  
9 A SOURCE OF FILTH OR CAUSE OF SICKNESS, AND:

10 1. THE COUNTY BOARD OF HEALTH OR LOCAL HEALTH OR ENVIRONMENTAL  
11 DEPARTMENT POSTS A NUISANCE ABATEMENT NOTICE ON THE PROPERTY, AFTER  
12 TWENTY-FOUR HOURS OF POSTING, THE COUNTY BOARD OF HEALTH OR LOCAL HEALTH OR  
13 ENVIRONMENTAL DEPARTMENT MAY ENTER WITHOUT HINDRANCE AND A WARRANT IS NOT  
14 REQUIRED TO DESTROY, REMOVE OR PREVENT THE NUISANCE, OR THE SOURCE OF FILTH  
15 OR CAUSE OF SICKNESS, BETWEEN THE HOURS OF SUNRISE AND SUNSET.

16 2. IMMEDIATE ENTRANCE IS SOUGHT AND REFUSED OR ENTRANCE PURSUANT TO  
17 PARAGRAPH 1 IS SOUGHT and ~~is~~ refused ~~entrance~~, any member of the board or  
18 officer of the department may make a complaint of the refusal under oath to a  
19 justice of the peace. The justice of the peace shall issue a warrant  
20 directing the sheriff or other peace officer accompanied by and under the  
21 direction of at least one member of the board or department to examine,  
22 destroy, remove or prevent, between the hours of sunrise and sunset, the  
23 ~~environmental~~ nuisance.